

USCA DOCKET # (IF KNOWN)

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT CIVIL APPEALS DOCKETING STATEMENT

PLEASE ATTACH ADDITIONAL PAGES IF NECESSARY.

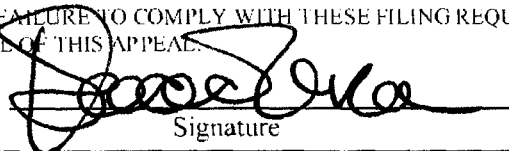
TITLE IN FULL: Carolyn Mitchell, Plaintiff, v. Anchorage Police Department, and the Municipality of Anchorage, a municipal corp., Walter Monegan, Officer Henikman, and Officer J. Voss, Defendants	DISTRICT: Alaska JUDGE: John W. Sedwick	
	DISTRICT COURT NUMBER: 3:05-cv-00273-JWS	
	DATE NOTICE OF APPEAL FILED: 9/3/2008	IS THIS A CROSS-APPEAL? <input type="checkbox"/> YES
	IF THIS MATTER HAS BEEN BEFORE THIS COURT PREVIOUSLY, PLEASE PROVIDE THE DOCKET NUMBER AND CITATION (IF ANY):	
BRIEF DESCRIPTION OF NATURE OF ACTION AND RESULT BELOW: This suit is based on an incident where police, responding to a bank robbery, seized plaintiff at gun point, handcuffed her, and kept in custody for 20 minutes, without probable cause to arrest. Issue of false arrest was decided on summary judgment. At trial, plaintiff requested judgment as a matter of law on issue of 42 U.S.C. 1983, judge denied. Jury awarded nominal damages on false arrest, denied all over causes of action.		
PRINCIPAL ISSUES PROPOSED TO BE RAISED ON APPEAL: 1. Whether pretrial ruling holding that plaintiff was arrested, under state law, without probable cause, establishes as a matter of law a 4th Amendment violation; 2. Whether police use of guns and handcuffs on a compliant suspect, posing no threat, establishes as a matter of law a 4th Amendment violation; 3. Whether it is reversible error for court to require that jury find an arrest under federal law, rather than state law.		
PLEASE IDENTIFY ANY OTHER LEGAL PROCEEDING THAT MAY HAVE A BEARING ON THIS CASE (INCLUDE PENDING DISTRICT COURT POSTJUDGMENT MOTIONS): None.		
DOES THIS APPEAL INVOLVE ANY OF THE FOLLOWING: <input type="checkbox"/> Possibility of settlement <input type="checkbox"/> Likelihood that intervening precedent will control outcome of appeal <input type="checkbox"/> Likelihood of a motion to expedite or to stay the appeal, or other procedural matters (Specify) _____ <input type="checkbox"/> Any other information relevant to the inclusion of this case in the Mediation Program _____ <input type="checkbox"/> Possibility parties would stipulate to binding award by Appellate Commissioner in lieu of submission to judges		
LOWER COURT INFORMATION		

JURISDICTION		DISTRICT COURT DISPOSITION	
FEDERAL	APPELLATE	TYPE OF JUDGMENT/ORDER APPEALED	RELIEF
<input checked="" type="checkbox"/> FEDERAL QUESTION	<input checked="" type="checkbox"/> FINAL DECISION OF DISTRICT COURT	<input type="checkbox"/> DEFAULT JUDGMENT	<input type="checkbox"/> DAMAGES: SOUGHT \$ _____ AWARDED \$ _____
<input type="checkbox"/> DIVERSITY	<input type="checkbox"/> INTERLOCUTORY DECISION APPEALABLE AS OF RIGHT	<input type="checkbox"/> DISMISSAL/JURISDICTION	<input type="checkbox"/> INJUNCTIONS:
<input type="checkbox"/> OTHER (SPECIFY):	<input type="checkbox"/> INTERLOCUTORY ORDER CERTIFIED BY DISTRICT JUDGE (SPECIFY):	<input type="checkbox"/> DISMISSAL/MERITS	<input type="checkbox"/> PRELIMINARY
	<input type="checkbox"/> OTHER (SPECIFY):	<input type="checkbox"/> SUMMARY JUDGMENT	<input type="checkbox"/> PERMANENT
		<input type="checkbox"/> JUDGMENT/COURT DECISION	<input type="checkbox"/> GRANTED
		<input type="checkbox"/> JUDGMENT/JURY VERDICT	<input type="checkbox"/> DENIED
		<input type="checkbox"/> DECLARATORY JUDGMENT	<input type="checkbox"/> ATTORNEY FEES: SOUGHT \$ _____ AWARDED \$ _____
		<input checked="" type="checkbox"/> JUDGMENT AS A MATTER OF LAW	<input type="checkbox"/> PENDING
		<input type="checkbox"/> OTHER (SPECIFY):	<input type="checkbox"/> COSTS: \$ _____

CERTIFICATION OF COUNSEL

I CERTIFY THAT:

1. COPIES OF ORDER/JUDGMENT APPEALED FROM ARE ATTACHED.
2. A CURRENT SERVICE LIST OR REPRESENTATION STATEMENT WITH TELEPHONE AND FAX NUMBERS IS ATTACHED (SEE 9TH CIR. RULE 3-2).
3. A COPY OF THIS CIVIL APPEALS DOCKETING STATEMENT WAS SERVED IN COMPLIANCE WITH FRAP 25.
4. I UNDERSTAND THAT FAILURE TO COMPLY WITH THESE FILING REQUIREMENTS MAY RESULT IN SANCTIONS, INCLUDING DISMISSAL OF THIS APPEAL.


 Signature

9/3/2008
 Date

COUNSEL WHO COMPLETED THIS FORM

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*** THIS DOCUMENT SHOULD BE FILED IN THE DISTRICT COURT WITH THE NOTICE OF APPEAL ***
*** IF FILED LATE, IT SHOULD BE FILED DIRECTLY WITH THE U.S. COURT OF APPEALS ***